

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

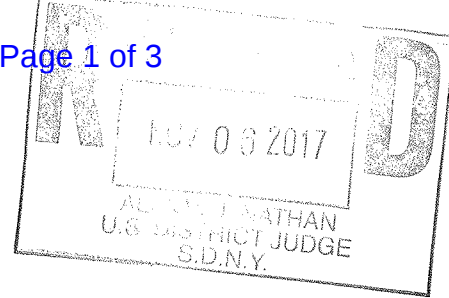
UNITED STATES OF AMERICA

v.

ANTHONY R. MURGIO

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Cause No. 1:15-cr-00769-AJN



DEFENDANT'S NOTICE OF APPEAL
AND MOTION FOR NEW TRIAL

NOW COMES ANTHONY R. MURGIO, *pro se* Defendant in the aforementioned cause, and files this Notice of Appeal in order to communicate to the Second Circuit of Appeals his intention to appeal the conviction and sentence imposed by the United States District Court in the aforementioned cause. In addition, Defendant moves the Court to grant an evidentiary hearing in order to consider the following:

1. My Counsel provided ineffective assistance.
2. Specifically, my Counsel misconstrued the sentencing guideline's definition of actual or intended loss for wire and bank fraud as well as money laundering with amount involed in the unlincensed charge.
3. Even though this honorable Court suggested Counsel wait for sentencing until after this Court ruled on Co-Defendant Lebedev's motion regarding loss, Defendant's Counsel declined and moved forward to sentencing.
4. I then learned that the government did not contest Lebedev's position based on the loss amount part of the motion, which I believe would have been favorable to my case. Even though I argued with Counsel over the impact of loss on my sentence, Counsel persisted both prior to and during sentencing in forcing me to move forward against my wishes.
5. I respectfully request a hearing and would show the Court that I would not have entered a plea according to the terms of the plea bargain and that I was harmed by taking my counsel's advice not to wait for this court to rule on Co-Defendant's interpretation of loss but more importantly that I agreed to the original plea bargain, which I would not have done in the absence of counsel's flawed advice.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the court grant Defendant an evidentiary hearing on the issue of ineffective assistance of counsel and grant Defendant's Motion for New Trial, and for such other

and further relief the Court deems necessary.

Respectfully submitted,

ANTHONY MURGIO
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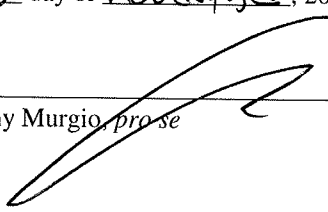
By:



Anthony Murgio, *pro se*

CERTIFICATE OF SERVICE

By my signature, I, the undersigned attorney hereby attest that I served the foregoing Motion on the attorney representing the United States of America by facsimile this 3 day of November, 20017.



Anthony Murgio, *pro se*

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ORDER

On this ____ day of _____, 200____, came on to be considered Defendant's Motion for an evidentiary hearing to consider granting Defendant's Motion for New Trial on the basis of ineffective assistance of counsel. After consideration, the court hereby finds that the motion shall be:

[] GRANTED, and Defendant's ineffective assistance of counsel claims shall be set for hearing on the ____ day of _____, 201____.

[] DENIED

SIGNED this ____ day of _____, 200____.

JUDGE PRESIDING